

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JANINA SUAREZ, Individually and on behalf
of others similarly situated,

Case No. 21-CV-01887(AMD)(JRC)

Plaintiff,

-v.-

TOORAJ ZAHEDI, MD,

ANSWER TO COUNTERCLAIMS

Defendant.

-----X

Plaintiff, Janina Suarez ("Plaintiff"), individually and on behalf of others similarly situated, by and through her undersigned attorney, Arthur H. Forman, hereby filing this Answer to Counterclaims of defendant, Tooraj Zahedi, MD ("Defendant"), states as follows:

1. Deny the allegations set forth in paragraph "86" of the Answer of Defendant, except admit that Defendant purports to proceed against the Plaintiff as set forth therein.

2. Deny the allegations set forth in paragraph "87" of the Answer of Defendant, including Defendant's contention that the Court should grant him any relief.

JURISDICTION AND VENUE

3. Admit the allegations set forth in paragraph "88" of the Answer of Defendant.

4. Deny the allegations set forth in paragraph "89" of the Answer of Defendant, and affirmatively state this Court should decline to grant supplemental jurisdiction pursuant to 28 U.S.C §1367 over Defendant's state law claims on the ground that there is no federal question or other federal subject matter jurisdiction related to them.

5. Admit the allegations set forth in paragraph “90” of the Answer of Defendant.

THE PARTIES

6. Admit the allegations set forth in paragraph “91” of the Answer of Defendant.

7. Admit the allegations set forth in paragraph “92” of the Answer of Defendant.

8. Admit the allegations set forth in paragraph “93” of the Answer of Defendant.

PLAINTIFF’S EMPLOYMENT

9. Admit the allegations set forth in paragraph “94” of the Answer of Defendant.

10. Admit the allegations set forth in paragraph “95” of the Answer of Defendant.

11. Admit the allegations set forth in paragraph “96” of the Answer of Defendant.

12. Admit the allegations set forth in paragraph “97” of the Answer of Defendant.

13. Admit the allegations set forth in paragraph “98” of the Answer of Defendant.

14. Admit the allegations set forth in paragraph “99” of the Answer of Defendant.

15. Deny the allegations set forth in paragraph “100” of the Answer of Defendant.

16. Admit the allegations set forth in paragraph “101” of the Answer of Defendant.

17. Deny the allegations set forth in paragraph “102” of the Answer of Defendant.

18. Deny the allegations set forth in paragraph “103” of the Answer of Defendant.

19. Admit the allegations set forth in paragraph “104” of the Answer of Defendant.

20. Admit the allegations set forth in paragraph “105” of the Answer of Defendant.

21. Deny the allegations set forth in paragraph “106” of the Answer of Defendant.

22. Deny the allegations set forth in paragraph “107” of the Answer of Defendant.

23. Deny the allegations asserted in paragraph “108” of the Answer of Defendant.

24. Deny the allegations set forth in paragraph “109” of the Answer of Defendant.

25. Deny the allegations set forth in paragraph “110” of the Answer of Defendant.

26. Admit the allegations set forth in paragraph “111” of the Answer of Defendant.

27. Admit the allegations set forth in paragraph “112” of the Answer of Defendant.

28. Admit the allegations set forth in paragraph “113” of the Answer of Defendant.

29. Deny the allegations set forth in paragraph “114” of the Answer of Defendant.

30. Deny the allegations set forth in paragraph "115" of the Answer of Defendant.

31. Deny the allegations set forth in paragraph "116" of the Answer of Defendant.

32. Deny the allegations set forth in paragraph "117" of the Answer of Defendant.

33. Deny the allegations set forth in paragraph "118" of the Answer of Defendant.

34. Deny the allegations set forth in paragraph "119" of the Answer of Defendant.

35. Deny the allegations set forth in paragraph "120" of the Answer of Defendant.

36. Deny the allegations set forth in paragraph "121" of the Answer of Defendant.

37. Deny the allegations set forth in paragraph "122" of the Answer of Defendant.

38. Deny the allegations set forth in paragraph "123" of the Answer of Defendant.

39. Deny the allegations set forth in paragraph "124" of the Answer of Defendant.

40. Deny the allegations set forth in paragraph "125" of the Answer of Defendant.

41. Deny the allegations set forth in paragraph "126" of the Answer of Defendant.

42. Deny the allegations set forth in paragraph "127" of the Answer of Defendant.

43. Deny the allegations set forth in paragraph "128" of the Answer of Defendant.

44. Deny the allegations set forth in paragraph "129" of the Answer of Defendant.

45. Deny the allegations set forth in paragraph "130" of the Answer of Defendant.

46. Deny the allegations set forth in paragraph "131" of the Answer of Defendant.

47. Deny the allegations set forth in paragraph "132" of the Answer of Defendant.

48. Deny the allegations set forth in paragraph "133" of the Answer of Defendant.

49. Deny the allegations set forth in paragraph "134" of the Answer of Defendant.

50. Deny the allegations set forth in paragraph "135" of the Answer of Defendant.

51. Deny the allegations set forth in paragraph "136" of the Answer of Defendant.

52. Deny the allegations set forth in paragraph "137" of the Answer of Defendant.

53. Deny the allegations set forth in paragraph "138" of the Answer of Defendant.

54. Deny the allegations set forth in paragraph "139" of the Answer of Defendant.

55. Deny the allegations set forth in paragraph "140" of the Answer of Defendant.

56. Deny the allegations set forth in paragraph "141" of the Answer of Defendant.

57. Deny the allegations set forth in paragraph "142" of the Answer of Defendant.

58. Deny the allegations set forth in paragraph "143" of the Answer of Defendant.

59. Deny the allegations set forth in paragraph "144" of the Answer of Defendant.

60. Deny the allegations set forth in paragraph "145" of the Answer of Defendant.

61. Deny the allegations set forth in paragraph "146" of the Answer of Defendant.

62. Deny the allegations set forth in paragraph "147" of the Answer of Defendant.

63. Deny the allegations set forth in paragraph "148" of the Answer of Defendant.

64. Deny the allegations set forth in paragraph "149" of the Answer of Defendant.

65. Deny the allegations set forth in paragraph "150" of the Answer of Defendant.

66. Deny the allegations set forth in paragraph "151" of the Answer of Defendant.

67. Deny the allegations set forth in paragraph "152" of the Answer of Defendant.

68. Deny the allegations set forth in paragraph "153" of the Answer of Defendant.

AS TO FIRST COUNTERCLAIM

69. Plaintiff repeats each and every allegation contained in paragraphs "1" through "68" above as if fully set forth herein.

70. Deny the allegations set forth in paragraph "155" of the Answer of Defendant.

71. Deny the allegations set forth in paragraph "156" of the Answer of Defendant.

72. Deny the allegations set forth in paragraph "157" of the Answer of Defendant.

73. Deny the allegations set forth in paragraph "158" of the Answer of Defendant.

74. Deny the allegations set forth in paragraph "159" of the Answer of Defendant.

75. Deny the allegations set forth in paragraph "160" of the Answer of Defendant.

76. Deny the allegations set forth in paragraph "161" of the Answer of Defendant.

77. Deny the allegations set forth in paragraph "162" of the Answer of Defendant.

78. Deny the allegations set forth in paragraph "163" of the Answer of Defendant.

79. Deny the allegations set forth in paragraph "164" of the Answer of Defendant.

80. Deny the allegations set forth in paragraph "165" of the Answer of Defendant.

81. Deny the allegations set forth in paragraph "166" of the Answer of Defendant.

82. Deny the allegations set forth in paragraph "167" of the Answer of Defendant.

AS TO SECOND COUNTERCLAIM

83. Plaintiff repeats each and every allegation contained in paragraphs "1" through "82" above as if fully set forth herein.

84. The allegations contained in paragraph "169" of the Answer of Defendant are conclusions of law to which no response is required. But to the extent an answer is required, the allegations are denied.

85. Deny the allegations set forth in paragraph "170" of the Answer of Defendant and respectfully refer all questions of law to the Court for determination.

86. Deny the allegations set forth in paragraph "171" of the Answer of Defendant.

87. Deny the allegations set forth in paragraph "172" of the Answer of Defendant.

88. Deny the allegations set forth in paragraph “173” of the Answer of Defendant.

89. Deny the allegations set forth in paragraph “174” of the Answer of Defendant.

90. Deny the allegations set forth in paragraph “175” of the Answer of Defendant.

91. Deny the allegations set forth in paragraph “176” of the Answer of Defendant.

92. Deny the allegations set forth in paragraph “177” of the Answer of Defendant.

AS TO THIRD COUNTERCLAIM

93. Plaintiff repeats each and every allegation contained in paragraphs “1” through “92” above as if fully set forth herein.

94. Admit the allegations set forth in paragraph “179” of the Answer of Defendant.

95. Deny the allegations set forth in paragraph “180” of the Answer of Defendant.

96. Deny the allegations set forth in paragraph “181” of the Answer of Defendant.

97. Deny the allegations set forth in paragraph “182” of the Answer of Defendant.

98. Deny the allegations set forth in paragraph “183” of the Answer of Defendant.

99. Deny the allegations set forth in paragraph “184” of the Answer of Defendant.

100. Deny the allegations set forth in paragraph “185” of the Answer of Defendant.

101. Deny the allegations set forth in paragraph “186” of the Answer of Defendant.

102. Deny the allegations set forth in paragraph “187” of the Answer of Defendant.

103. Deny the allegations set forth in paragraph “188” of the Answer of Defendant.

FIRST AFFIRMATIVE DEFENSE

104. Defendant’s counterclaims fail, in whole or in part, to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

105. All or part of the counterclaims asserted by Defendant are barred by the applicable statute of limitation.

WHEREFORE, Plaintiff demands judgment dismissing Defendant’s counterclaims and denying all relief requested therein, together with awarding to Plaintiff the costs of defending against the counterclaims, including reasonable attorney fees.

Dated: June 21, 2021
Forest Hills, New York

/S/
Arthur H. Forman
98-20 Metropolitan Avenue
Forest Hills, New York 11375
(718) 268-2616
Attorney for Plaintiff